state governments can encourage land use controls in combination with otl measures to protect ground water.

• The limitation on the effectiveness of land use controls is the degree which a critical area is developed prior to enactment of the controls. For t reason, land use controls should be implemented at early stages for vulnera undeveloped areas.

In the areas reviewed by the committee, information collection has be an ongoing aspect of the land use control program. However, the commit believes that it is neither necessary nor possible to have sufficient data answer all concerns prior to enactment of protective ordinances. These cc trols can be revised as new data are gathered.

IMPLEMENTATION OF GROUND WATER PROTECTION PROGRAMS

Program Authority, Structure, and Function

Legal Authority and Regulations

Effective state and local ground water protection programs must based on adequate legal authority and regulations. In the states studied, t1 distinct bodies of law address ground water resources—state and fede statutory law and state common law. For example, in Connecticut the p mary bodies of statutory law on ground water include the state's Clean W ter Act, emergency chemical spill statute, hazardous waste statutes, and t Potable Drinking Water Law. In addition, Connecticut's Water Diversi Policy Act regulates withdrawals of ground water through a permit proce Federal statutes that are also applicable to ground water protection inclu the Resource Conservation and Recovery Act (RCRA), CERCLA ("Sup< fund") and the Federal Water Pollution Control Act, the Safe Drinki Water Act, the federal Insecticide, Fungicide and Rodenticide Act, and t Surface Mining Act. Common law in most states provides remedies for p« ties injured by ground water contamination. The primary causes of acti under common law include nuisance, negligence, strict liability, and tr< pass.

Statutory authority should specify the actions that can be taken by sh and local programs to protect ground water and to ensure compliance wi program requirements. For example, the statutory provisions found in Cc necticut laws include the following:

• State and local preconstruction permit requirements. — State regulation of discharges to ground water.

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